

1 THE HONORABLE THOMAS S. ZILLY  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 AIRBIQUITY INC., a Washington  
11 corporation,

12 Plaintiff,

13 No. C08-0094 TSZ

14 v.  
15 AT&T MOBILITY LLC, a Delaware limited  
16 liability company; NEW CINGULAR  
17 WIRELESS SERVICES, INC., a Delaware  
18 corporation; and NEW CINGULAR  
19 WIRELESS PCS LLC, a Delaware limited  
20 liability company,

21 Defendants.

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23 **STIPULATED ORDER REGARDING  
24 EXPERT DISCOVERY**

25 **STIPULATION**

26 Airbiquity, Inc. and AT&T Mobility LLC, New Cingular Wireless Services, Inc., and  
New Cingular Wireless PCS, LLC hereby stipulate and agree that the following shall not be  
discoverable in the above-identified litigation (the “Litigation”): (i) communications (whether  
oral, written or otherwise) occurring after the filing date of this lawsuit between or among  
experts retained by counsel (or the experts’ assistants, “retained experts”) and the retaining  
party’s in-house or outside counsel, employees or consultants regarding the Litigation; (ii)  
drafts of expert reports created by retained experts after the filing date of this lawsuit  
regarding the Litigation; and (iii) notes, documents or work product prepared after the filing

1 date of this lawsuit by retained experts regarding the Litigation. Notwithstanding the above  
2 exclusions, the following shall be discoverable: (i) notes, documents, work product or  
3 communications (other than drafts of the expert's report) that have been relied upon by an  
4 expert in the formulation of his or her opinions in the Litigation; and (ii) compensation  
5 arrangements and compensation related documents for experts (e.g., an expert's bills and  
6 invoices) regarding the Litigation.

7 So stipulated this 6<sup>th</sup> day of February, 2009:  
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9 DORSEY & WHITNEY LLP

10  
11 /s/ Paul T. Meiklejohn \_\_\_\_\_  
Paul T. Meiklejohn, WSBA No. 17477  
12 Douglas F. Stewart, WSBA No. 34068  
Attorneys for Plaintiff

CORR CRONIN MICHELSON  
BAUMGARDNER & PREECE LLP

13 /s/ Michael A. Moore \_\_\_\_\_  
14 Kelly Corr, WSBA No. 555  
Michael A. Moore, WSBA No. 27047

15 BAKER BOTTs LLP  
16 Bryant C. Boren, Jr. (admitted *p.h.v.*)  
Christopher W. Kennerly (admitted *p.h.v.*)  
Travis W. Thomas (admitted *p.h.v.*)  
Kevin E. Cadwell (admitted *p.h.v.*)  
Michele A. Gustafson (admitted *p.h.v.*)

17 ATTORNEYS FOR AT&T MOBILITY LLC,  
18 NEW CINGULAR WIRELESS SERVICES,  
19 INC. and NEW CINGULAR WIRELESS PCS,  
20 LLC

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26 STIPULATED ORDER REGARDING EXPERT DISCOVERY - 2  
No. C08-0094 TSZ

CORR CRONIN MICHELSON  
BAUMGARDNER & PREECE LLP  
1001 Fourth Avenue, Suite 3900  
Seattle, Washington 98154-1051  
Tel (206) 625-8600  
Fax (206) 625-0900

## **ORDER**

IT IS SO ORDERED.

DATED: February 6, 2009.

Thomas S. Bally

Thomas S. Zilly  
United States District Judge

Presented by:

/s/ Michael A. Moore

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CORR CRONIN MICHELSON  
BAUMGARDNER & PREECE LLP  
Kelly Corr, WSBA No. 555  
Michael A. Moore, WSBA No. 27047

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ATTORNEYS FOR AT&T MOBILITY LLC,  
NEW CINGULAR WIRELESS SERVICES, INC.  
and NEW CINGULAR WIRELESS PCS LLC

**STIPULATED ORDER REGARDING EXPERT DISCOVERY - 1  
No. C08-0094 TSZ**

**CORR CRONIN MICHELSON  
BAUMGARDNER & PREECE LLP**  
1001 Fourth Avenue, Suite 3900  
Seattle, Washington 98154-1051  
Tel (206) 625-8600  
Fax (206) 625-0900